

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.01.2019

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

AND

THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.28173 of 2017 and
W.M.P.Nos.30306 to 30308 of 2017

1.R.Sridhar
2.R.Srivatsan
3.Mrs.Jayashree Parthasarathy
4.S.Dharini

.. Petitioners

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1 Gandhi -Irwin Road, Chennai.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

3.The Senior Planner,
Enforcement Cell,
CMDA, Chennai - 8.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records leading to impugned proceedings of the 1st Respondent in Letter No.REG-III/B6/51950/2000 dated 08.09.2017 rejection application for regularisation and quash the same.

For Petitioners : Mr.S.Kartik

For Respondents 1 & 3 : Mr.Karthick Rajan

For 2nd Respondent : Mr.K.Soundararajan

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Learned Counsel for the Petitioner has made an endorsement in the present Writ Petition to the effect that the Petitioner may be granted permission to withdraw the writ petition and to file an appeal before the appropriate forum with liberty being granted in this regard. Further, the Petitioner had also prayed for a liberty being granted to him to approach the forum since there is a delay in preferring an Appeal.

2.At this stage, the Learned Standing Counsel for the 1st Respondent/CMDA, Chennai informs this Court that as against the impugned order in Letter No.Reg.III/B6/51950/2000 dated 08.09.2017, the Petitioner has a remedy of preferring an Appeal as per Section 113-A(6) of the Tamil Nadu Town and Country Planning Act, 1971. As per ingredients of Section 113(A) of the Act 1971, for filing of an Appeal by an aggrieved person, 30 days time is granted from the date of receipt of copy of the order.

3.In view of the fact that the Petitioner has a viable, effective, efficacious and an alternative remedy of approaching the State Government/Principal Secretary of Housing and Urban Development, Secretariat, Fort St. George, Chennai - 600 009, with a Condonation of Delay Application explaining the reasons for the delay in preferring the Appeal, the present Writ Petition is dismissed as withdrawn, with a liberty being granted to the Petitioner to approach the Competent Forum/Principal Secretary, Housing and Urban Development, Secretariat, Fort St. George, Chennai for filing of an Appeal together with a Condonation of Delay Application. If a Condonation of Delay Application together with the Appeal are filed by the Petitioner as an aggrieved person/Appellant before the Competent Authority, then, it is open to him to take a plea that he has approached the Hon'ble High Court by filing the present Petition, based on a bona fide view and that the Competent Authority shall look into the same in a practical, pragmatic, purposeful, meaningful and rational manner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Sgl

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1 Gandhi -Irwin Road, Chennai.

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

3.The Senior Planner,
Enforcement Cell,
CMDA, Chennai - 8.

+1cc to Mr.K.Soundararajan, Advocate SR.No.5184

+1cc to Mr.Karthik Rajan, Advocate SR.No.5103

W.P.No.28173 of 2017

EV(CO)
GMY(21/02/2019)



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